



Appeal Decision

Hearing held on 23 April 2026

Site visit made on 23 April 2026

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2026

Appeal Ref: APP/C1435/W/25/3375977

Land North of Budletts Lane, Five Ash Down, East Sussex TN22 3AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Stonebond Properties (Sevenoaks) Ltd and Akehurst Homes Ltd against the decision of Wealden District Council.
 - The application Ref is WD/2022/1710/MAJ.
 - The development proposed was originally described as the phased development comprising the construction of 65no. dwellings including three custom / self-build plots, access, parking, landscaping and ancillary works.
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Decision

1. The appeal is allowed and planning permission is granted for a phased development comprising the construction of 50no. dwellings including three custom / self-build plots, access, parking, landscaping and ancillary works at Land North of Budletts Lane, Five Ash Down, East Sussex, TN22 3AS in accordance with the terms of the application, Ref WD/2022/1710/MAJ, subject to the conditions in the attached schedule.

Preliminary Matters

2. The original application proposed 65 dwellings, but during its determination the scheme was reduced to 50 dwellings. My decision reflects that amended quantum.
3. As part of the appellant's highway evidence submitted with the appeal, amended plans were provided (Nos H-02 Rev P10, H-03 Rev P13 and H-04 Rev P5). The Council have had an opportunity to view them and raise no objection to them being accepted as part of the appeal. As the plans illustrate final details for the vehicular site access, repositioning of a bus stop on London Road and the provision of a virtual footway along Millwood Lane which had been shown in previous iterations, I consider no other interested parties would be prejudiced by my acceptance of these. I have therefore considered them as part of the appeal.

Main Issue

4. The main issue is whether the development would provide safe and suitable access to and from the site by sustainable modes of transport with regard to Millwood Lane, and the northbound and southbound bus stops on London Road.

Reasons

5. The appeal site is a roughly triangular area of land bounded by Budletts Lane to the south, a bridleway to its northwest and Millwood Lane to its northeast. Budletts

Lane is the A272 and is a busy road with no pavements. It is not suitable as a pedestrian route and therefore pedestrian access into the site would be achieved via footpaths from the bridleway and Millwood Lane.

6. Millwood Lane also has no pavements but primarily serves only around 30 dwellings and a sawmill. The road continues beyond that, crossing over the A26, and serves a scattering of further houses, but narrows to a single car width. The appellant's traffic survey undertaken over a week in October 2022 recorded just over 300 vehicle movement per weekday, with 25 being in the morning peak hour and 33 in the evening peak hour. This is roughly one every 2 minutes. A further survey in July 2025 showed around 320 vehicle movements over the same 12 hour period, which is not inconsistent with the original survey.
7. Residents at the hearing suggested that Millwood Lane, at a point further west along the road beyond the sawmill, was closed at the time of the first, and possibly the second, survey which would have affected the recorded traffic flows, in particular vehicles using Millwood Lane as a rat run. I do not doubt some vehicles would use Millwood Lane to access other settlements to the north, particularly if there is excessive traffic on the major roads, such as the Budletts roundabout. But the narrow width of the route makes it unsuitable for high volumes of traffic, and so I would anticipate the number of vehicles using this would be very limited. As such I have no substantive reason to consider the surveys are not sufficiently robust. The Highways Authority do not suggest they are unreliable either, which supports my view.
8. As no vehicular access to the appeal site would be taken from Millwood Lane, the submitted transport assessment does not anticipate traffic from the development would use Millwood Lane. Although the traffic generated by the proposal could result in an increase in traffic along Millwood Lane, I would consider this to be very limited and would not be likely to affect the conclusions of the transport assessment.
9. In terms of non-car use of Millwood Lane, the appellant's transport assessment estimates that the proposed development would generate around 50 movements per day including walking and cycling. This would be in addition to the, roughly, 70 existing non-car trips per day. Whilst the increase in non-car movement would be proportionately substantial, the number of non-car trips is still limited overall.
10. Based on this data, there would be one non-car movement for every two or three vehicular movements. This does not suggest a high likelihood of conflict. In addition, from my site visit, it was apparent that there is room for pedestrians or cyclists and cars to pass each other. This would not be the case if the vehicle is an HGV, such as those that may be associated with the sawmill, or if two vehicles are passing simultaneously. But, given the low volume of vehicular traffic on the road, such occurrences would be rare.
11. Moreover, it is proposed that a new stretch of pavement would be created along the northeastern side of Millwood Lane such that there would only be a distance of about 54m where pedestrians would need to walk in the road when east of the site. Based on an average walking speed of 80m/sec it is likely that pedestrians would be in the road for less than a minute.
12. The proposed plans indicate the provision of a virtual path, where pedestrians would walk on a painted section of the road, and details were provided of several

other examples where virtual paths have been used elsewhere nationwide. Generally they are used where traffic speeds are slow, traffic volumes are limited and the road is straight. Millwood Lane would meet all these criteria.

13. The Council suggest the virtual path would give pedestrians a false sense of security believing that they have priority. However, I consider the fact that pedestrians are still clearly on the road means that they are still likely to use caution. Moreover the markings would also alert drivers to the possibility of pedestrians in the road. I accept the width of the virtual path, at 1.2m, would not be as wide as a formal footway of 1.5m. Nonetheless, I consider it would be sufficiently wide for pedestrians, wheelchair users, and those with pushchairs.
14. I accept that cars turning left into Millwood Lane from Budletts Lane would not have clear visibility along the entirety of the virtual path until they have rounded the corner. However, from my site visit, it would seem easily possible to turn into the road when travelling at a reasonable speed, without encroaching on the virtual path. Moreover, I would not anticipate cars to be travelling excessively fast, given it is a fairly tight bend. Also, it is apparent as drivers enter Millwood Lane, that the road is not wide enough for two-way traffic comfortably, so cars would most likely turn with caution in case of an oncoming vehicle. Indeed, any oncoming traffic would be closer to turning vehicles than pedestrians on the virtual path.
15. It was stated that cars often turn left into Court Lane and cross over the entrance to Millwood Lane. However pedestrians would not be in the road at this point and in any case the proposal would provide an improved pedestrian crossing here. Also the visibility here is good, so I would not anticipate that such manoeuvres would pose a risk.
16. Millwood Lane is unlit. However given the modest number of non-car trips that would most likely be generated by the development overall, and the even smaller number that would be during hours of darkness, I consider the risk of conflict at these times would be very limited.
17. I accept that delivery vehicles may park on and obstruct the virtual path. But this would not be likely to be a common event given there are only a few houses that the path would pass, and any incidences like this would be only momentary.
18. The Council raised concerns that visibility from the pedestrian access onto Millwood Lane could be limited by boundary vegetation and cars parked in the informal lay-by to the right of the access point. However final details of this access could be secured by condition including any vegetation that may need to be pruned back, and the maintenance of that, and any traffic works to prevent cars parking in the lay-by. There is no suggestion any protected trees would need to be removed to facilitate the access.
19. The play area on the site would primarily serve the children resident at the development. Due to its small size, it is unlikely that it would attract children from the wider area, notwithstanding I understand there are few other play areas locally. Therefore any material increase in the use of Millwood Lane in this regard would be unlikely.
20. In summary, it is considered that, with a virtual path provided, the final details of which could be secured by a condition, safe and suitable access to and from the development on Millwood Lane could be achieved.

21. The Council referred to a recent decision relating to a development in South Oxfordshire where the Inspector dismissed the appeal finding that pedestrian access to local services was poor. In that case however, it appears that the pedestrian and vehicular access to the site would be from the same road, the development would result in a substantial increase in traffic on that road, and the length of it that would accommodate pedestrians and vehicles sharing the road would be longer than the section of Millwood Lane that would be shared. I do not consider therefore that the two schemes are comparable.

Northbound bus stop

22. At present there is a virtual bus stop on the northbound side of London Road opposite the junction with Budletts Lane. There is no physical evidence of a stop such as signage on the road surface, a lay-by, or any structure on the pavement, and the Council consider it is most likely only served by a handful of houses. This stop is served by buses going towards Haywards Heath where there is a hospital, college and train station with a frequent service to London.
23. It is not disputed by the parties that the proposal would lead to an increase in the use of this virtual stop, but that it is currently unsuitable. This is because of its position opposite the junction with Budletts Lane. When buses are at the virtual stop, they would block cars from turning right onto London Road from Budletts Lane. This could lead to traffic queuing back along Budletts Lane, or drivers trying to turn and overtake a stationary bus at the same time, resulting in them facing oncoming vehicles accelerating off the roundabout. Also, cars on London Road may be tempted to overtake a stationary bus, which would again involve pulling into oncoming traffic coming off the roundabout, and due to the bend in the road, visibility around the bus would be limited. Similarly, due to this bend, buses may not have sufficient visibility behind them to pull safely away from the stop.
24. Consequently the appellant has suggested the bus stop be relocated around 120m further south. Although this has not been subject of a Road Safety Audit, it is, in my view, a safer position for a bus stop given it is not near a road junction and visibility around a parked bus would be greater than at the existing virtual stop. The appellant suggests a Road Safety Audit could be undertaken, secured by a condition, to inform finer details of a stop in this location.
25. The Council suggest the proposed relocated position would place the stop much closer to another stop further south along London Road. Any bus stop here would be subject of consultation with the Passenger Transport Team and the bus operating company to assess whether it would be commercially favourable. However, that would be a commercial decision for the operating company and has little bearing on my considerations as to whether the bus stop's position would be safe.
26. The relocated bus stop would be further from the dwellings on the appeal site than the existing stop. The appellant advised the stop would remain to be within 400m of the site, which is the recommended walking distance, but from the centre of the site the Council advise the stop would be around 450m. Although this is not far beyond the recommended distance, being little over 30 seconds additional walking time, this may discourage its use by some residents.
27. However it was agreed by the parties that it is likely that residents of the development would be more likely to use the buses on Five Ash Down as these

provide more direct access to the nearest town of Uckfield, and larger towns further afield including Brighton and Tunbridge Wells. Indeed the appellants advise that, based on census data, they anticipate three times more residents of the development would use these stops rather than the stops on London Road. Therefore, even though for some dwellings the distance to the bus stop would be above the recommended distance, that alone is not likely to materially affect its appeal.

28. The pedestrian route to the relocated stop would involve crossing London Road at the Budletts roundabout. There is good visibility at this crossing and across the roundabout, and vehicles would either be slowing down to approach the roundabout or going round it relatively slowly. Crossing would be more of a risk for pedestrians who have restricted mobility and who would be moving slower, but I have no compelling reason to consider using the crossing would be unsafe for them either. The crossing also currently provides a route for pedestrians walking from London Road towards Maresfield and it is noted that there have been no records of any accidents here.
29. I also recognise the pedestrian route would involve using the bridleway along the west boundary of the site. This is mostly unmade so may not encourage its use by those with restricted mobility, or during hours of darkness. However the bridleway is well established and already provides access to the London Road bus stops for residents of Millwood Lane.
30. Overall, I consider it is likely that the development would result in only a modest increase in use of the northbound bus services along London Road. Nonetheless, because of this increase it is reasonable to provide some improvement to the existing poor infrastructure. I am satisfied that improved infrastructure could be achieved and hence it would be appropriate to secure final details by planning condition and which can be subject of a Road Safety Audit and consultation with the relevant bodies. With such a condition in place, and the infrastructure provided before occupation of the development, safe and suitable access to and from northbound services could be achieved.

Southbound bus stop

31. Although this was not included in the reason for refusal, the evidence from the Highway Authority suggests they have concerns regarding the accessibility of the southbound bus stop too.
32. This bus stop is marked by a sign and has a lay-by. Pedestrian access to it would involve using the aforementioned bridleway and then crossing Budletts Lane. The scheme proposes minor improvements to the existing crossing here and the cutting back of vegetation on the highway verges.
33. It could be seen how cars exiting Budletts roundabout onto London Road, could turn into Budletts Lane without slowing down, due to the road alignment. However from my site visit I saw that visibility towards the roundabout when stood on the north side of Budletts Lane was good and would be improved further by cutting back of vegetation which overhangs the pavement. In any case, it was suggested at the hearing that this stop would be mainly used by pedestrians getting off the bus, so it may be that very few residents would be crossing southwards. Visibility along Budletts Lane when stood on the south side of the road would be improved by the dropped kerb being moved slightly and vegetation being cut back.

34. Similar to my view with respect to the northbound bus stop, and given the development would not be likely to involve a significant increase in the use of this bus stop, I consider the minor alterations to the pedestrian access would ensure that safe and suitable access to and from southbound services could be achieved.

Conclusion on main issue

35. In all three respects I consider that the development would allow for safe and suitable access to the site by sustainable modes of transport, with suitable conditions in place and secured by the submitted s106 agreement. It would therefore accord with policy TR3 of the Wealden Local Plan (1998) (WLP) which aims to ensure that a satisfactory means of access is provided, that development does not perpetuate unacceptable traffic conditions, and that suitable public transport facilities are provided where appropriate. It would also accord with WLP policy TR13 which requires development to provide safe and convenient pedestrian routes linking to the existing footpath network; and objective SPO12 of the Wealden Core Strategy (2013) (WCS) which aims to achieve a significant improvement in road safety. It would also meet WLP policy EN2 and WCS objective SP07 which seek to ensure that development is located close to public transport.
36. It would also accord with WLP policy CS1, and WCS policies WCS7 and SPO15 which all seek to ensure that suitable infrastructure is provided; and WLP policy EN1 and WCS policy WCS14 which generally support sustainable development.

Other Matters

37. It is understood that the site is within 7km of the Ashdown Forest Special Protection Area (SPA). The qualifying features for the SPA are the Dartford Warbler and European nightjar, and the conservation objectives are to ensure that the integrity of the habitat is maintained so that it continues to support the populations of the qualifying species. The Council advise that recreational disturbance can threaten the habitat by trampling and erosion, as well as by dogs. As the site is within a short distance of the SPA, residents of the proposal could visit the SPA resulting in additional recreational disturbance. Therefore the development would be likely to have a significant effect on the integrity of the SPA. To mitigate that effect, the Council advise a financial contribution of £5,000 per dwelling towards Suitable Alternative Natural Greenspace (SANG), and £1,170 per dwelling for Strategic Access Management and Monitoring (SAMM), would be necessary to encourage a displacement of recreational use away from the SPA. These are supported by Natural England, and the s106 includes obligations to secure these contributions.
38. The site is also within proximity of the Ashdown Forest Special Area of Conservation (SAC), the qualifying features of which are European dry heath, North Atlantic wet heath, and great crested newts. The conservation objectives therefore are maintaining or restoring those qualifying habitats. Threats to this would arise from atmospheric pollution including from car emissions. The Council consider the proposal, even in combination with other planned developments as set out in the Local Plan, would not be likely to lead to a significant adverse effect on the SAC. I have no reason to consider otherwise, and Natural England also does not disagree.

39. Concerns have been raised by local residents regarding drainage. Based on mapping from the Environment Agency, the site mostly has a very low risk of surface water flooding. Nonetheless, to inform the submitted Flood Risk Assessment, infiltration testing of the site was done and found that, due to the geology, infiltration drainage is not possible. As such, it is proposed that surface water from the scheme would drain into three attenuation ponds which will then discharge at a controlled rate into the watercourse which runs alongside the bridleway on the northwest boundary of the site. The Lead Local Flood Authority have considered that the drainage details are acceptable and I have no substantive reason to reach a different view. Southern Water have also confirmed that improvements to the foul water drainage system will be undertaken to provide capacity for the proposal.
40. The proposal is not subject to the statutory Biodiversity Net Gain requirements. Nonetheless, a Biodiversity Improvement Plan has been provided which seeks to provide enhancements on and off site. On site, around 2ha of woodland would be lost as well as some scrub. However around 1.5ha of woodland, including the protected trees along the boundary and most of those identified as comprising priority habitat, would be retained and new tree, hedgerow and grassland planting would be provided. In addition, bat, bird and insect boxes would be provided. Off site, an area of woodland would be created on land which is currently in agricultural use. The Council's arboricultural officer raises no objection to the number of trees lost and the biodiversity works would be secured by condition and an obligation in the s106 agreement.
41. The completed s106 agreement also includes provision for 35% of the houses to be affordable and for three plots to be available for self or custom build homes. The agreement would also secure the provision of children's play space on site and contributions to play space off site. The Council advise the affordable housing and play space provision is policy compliant, and I have no reason to consider otherwise.
42. Overall, all the obligations set out in the s106 agreement are necessary, directly related to the proposal and are reasonable in scale and kind to the development. They therefore meet the requirements of Regulation 122 of the Community Infrastructure Levy Regulations, and I have taken them into account. The development would also be liable to make Community Infrastructure Levy payments which could address any need for additional infrastructure improvements such as to school capacity or healthcare.
43. It is understood that the site is located outside any settlement boundary, but that the Core Strategy accepts that development boundaries will need to be breached in order to provide the volume of housing required. This is especially the case as it is common ground between the parties that the Council cannot demonstrate a five years supply of housing land. I also understand that in the emerging Local Plan, which is at Regulation 18 stage, the site would still be outside a development boundary. The Council also confirmed that this general area is one in which they are seeking growth, given the connectivity to the services and facilities in Five Ash Down, and so the principle of development here is acceptable.
44. It is recognised that this area had previously been identified to remain undeveloped to prevent coalescence between Uckfield, Maresfield and Five Ash Down. However, I understand that the policy relating to this is no longer adopted.

In any case I consider there would remain to be a substantial undeveloped gap to Maresfield and Uckfield.

45. There are three listed buildings near the site; Stone Cottage and Blackhouse Farmhouse on London Road, and Five Wents on Budletts Road. These buildings are all attractive dwellings set in well vegetated gardens and their significance lies in their architectural and historic value. Their settings are all influenced by their generally rural surrounds, though the roads on which they are located, and which separate them from the appeal site, also inform this setting. The parties agree that there would be some harm to the setting of these listed buildings, albeit less than substantial, due to the introduction of a considerable amount of built form nearby. In my view it would be at the very lowest end of the scale, given it is unlikely that the listed buildings would be seen in the same vistas as the proposed development, or that any material intervisibility between the development and the listed buildings would be likely, given the intervening vegetation. Nonetheless, great weight should be given to the conservation of designated heritage assets and any harm must be weighed against public benefits. The benefit of 50 homes, including affordable units and self-build plots, at a time when the Council cannot demonstrate a five years supply, is a considerable public benefit which outweighs the very limited harm to these heritage assets.
46. The Council have referred to other designated heritage assets, including Maresfield Conservation Area and Buxted Park. But these are much further from the site than the listed buildings and so I consider there would be no adverse effect on their setting. In addition, they advise that the building at 51 and 52 Millwood Lane is a non-designated asset. Its significance is largely historical and the undeveloped nature of the appeal site, to which it adjoins, would inform its setting. However the development proposes to retain a landscaping buffer in this part of the site, supplemented by additional planting. So whilst the development may result in a modest change to the setting of the non-designated asset, given the limited significance of the asset itself, the harm would be minimal.
47. Though I noted there are informal paths through the site and that it is clearly used for recreational walking, this could continue to be the case with the development in situ.

Conditions

48. I have considered the suggested conditions against the advice in the Planning Practice Guidance and the National Planning Policy Framework. Where necessary I have slightly altered the wording of the conditions to better reflect this advice.
49. I have imposed conditions relating to the commencement of development and specifying the approved plans in the interests of certainty. A two year commencement period has been agreed by the parties in order to more quickly address the Council's housing supply shortfall.
50. Two conditions are imposed to safeguard any items of archaeological interest. Conditions relating to the provision of off-site highways works including the provision of pedestrian facilities on Millwood Lane and London Road, the provision of vehicular and pedestrian visibility splays and the accesses they serve, and the provision of car parking and manoeuvring spaces within the site are all necessary in the interests of highway safety.

51. A condition relating to the provision of cycle parking and the submission of a Travel Plan Statement are attached in the interests of supporting sustainable modes of transport. Also, in the interests of promoting sustainability, a condition is included requiring the submission of details of water and energy efficiency measures.
52. In order to protect the living conditions of nearby residents, conditions are attached relating to the disposal of asbestos from existing structures on site, the provision of a Code of Construction Practice, an Air Quality assessment and hours of construction. To protect the living conditions of future residents of the development, conditions are included to deal with any on-site contamination, relating to foul drainage, requiring compliance with the Noise Report and relating to the provision of the on-site play areas.
53. A condition requiring the submission of finer details of the surface water drainage is necessary to prevent flooding on site and on adjacent land.
54. In order to protect the character and appearance of the area, I have imposed conditions requiring the submission of a detailed Arboricultural Method Statement.
55. In the interests of protecting biodiversity, conditions requiring the provision of a detailed Landscape and Ecological Management Plan which would include a wildlife management plan, a landscaping scheme, and details of any exterior lighting, are attached.

Conclusion

56. Overall I consider the proposal would accord with the development plan taken as a whole and there are no other considerations that indicate a decision other than in accordance with the development plan. Therefore for the reasons given above, the appeal is allowed.

Andrew Owen

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than two years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 30355A_10 Rev B Site Location Plan
 - 1629/001 Rev O Landscape Masterplan
 - 240.1 Rev F Proposed Site Section A-A
 - 240.2 Rev G Proposed Site Section B-B
 - 240.3 Rev H Proposed Site Section C-C
 - 240.4 Rev G Proposed Site Section D-D
 - 240.5 Rev H Proposed Site Section E-E
 - 30371A_100 Rev. Z14 Site Block Plan
 - 30371A_110 Rev B Coloured Site Layout
 - 30371A_160 Rev H Public Space
 - 30371A_200.0 Rev A Housetype A1.2
 - 30371A_200.1 Rev A Housetype A1.2
 - 30371A_200.2 Rev A Housetype A1.2
 - 30371A_200.3 Rev A Housetype A1.2
 - 30371A_200.4 Rev A Housetype A1.2
 - 30371A_200.5 Rev A Housetype A1.2
 - 30371A_201.0 Rev A Housetype 2AH
 - 30371A_201.1 Rev A Housetype 2AH
 - 30371A_202.0 Rev A Housetype A3.1
 - 30371A_202.1 Rev A Housetype A3.1
 - 30371A_203.0 Rev A Housetype A3.3
 - 30371A_203.1 Rev A Housetype A3.3
 - 30371A_204.0 Rev A Housetype P2.1
 - 30371A_204.1 Rev A Housetype P2.1
 - 30371A_205.0 Rev B Housetype P3.1
 - 30371A_205.1 Rev B Housetype P3.1
 - 30371A_205.2 Rev B Housetype P3.1
 - 30371A_205.3 Rev B Housetype P3.1
 - 30371A_206.0 Rev B Housetype P3.2
 - 30371A_206.1 Rev A Housetype P3.2
 - 30371A_207.0 Rev B Housetype P3.3
 - 30371A_207.1 Rev B Housetype P3.3
 - 30371A_207.2 Rev A Housetype P3.3
 - 30371A_207.3 Rev A Housetype P3.3
 - 30371A_207.4 Rev A Housetype P3.3
 - 30371A_207.5 Rev A Housetype P3.3
 - 30371A_207.6 Rev A Housetype P3.3

30371A_207.7 Rev A Housetype P3.3
30371A_207.8 Rev A Housetype P3.3
30371A_207.9 Rev A Housetype P3.3
30371A_208.0 Rev A Housetype P4.4
30371A_208.1 Rev E Housetype P4.4
30371A_208.2 Rev A Housetype P4.4
30371A_208.3 Rev A Housetype P4.4
30371A_208.4 Rev A Housetype P4.4
30371A_208.5 Rev A Housetype P4.4
30371A_209.0 Rev A Housetype P4.5
30371A_209.1 Rev A Housetype P4.5
30371A_209.2 Rev A Housetype P4.5
30371A_209.3 Rev A Housetype P4.5
30371A_210.0 Rev A Housetype P4.8
30371A_210.1 Rev A Housetype P4.8
30371A_210.2 Rev A Housetype P4.8
30371A_210.3 Rev A Housetype P4.8
30371A_210.4 Rev A Housetype P4.8
30371A_210.5 Rev A Housetype P4.8
30371A_280.0 Rev A Double Garage
30371A_280.1 Rev A Double Garage
30371A_281.0 Rev B Single Car Port
30371A_75 Rev I Tenure Diagram
30371A_76 Rev K Parking Diagram
30371A_77 Rev I Refuse Strategy Diagram
30371A_78 Rev I Fire Strategy
30371A_79 Rev J Roof Material diagram
30371A_80 Rev J Wall Material diagram
30371A_81.1A Phasing Plan
30371A_81A Phasing Plan
30371A_82 Rev A Garden, Private Amenity Size & Distance.

- 3) No development shall take place until a Written Scheme of Investigation for a programme of archaeological works has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full thereafter.
- 4) Prior to the occupation of any dwelling hereby permitted, the archaeological site investigation and post-investigation assessment, including analysis, publication, dissemination of results and archive deposition, shall be completed in accordance with the programme set out in the Written Scheme of Investigation. Confirmation of completion shall be submitted to and approved in writing by the local planning authority.
- 5) No development shall take place until technically accepted highway schemes on Millwood Lane (including pedestrian facilities, signage and crossing

- points) and London Road (including new bus stops with shelter, seating, kerbing and RTPI; and crossing facilities) with details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response, have been submitted to and approved in writing by the local planning authority. The approved highway schemes shall be completed prior to first occupation of the development hereby permitted.
- 6) No development shall take place until details of the visibility splays, including pedestrian visibility at the site accesses and associated highway works, have been submitted to and approved in writing by the local planning authority. The approved visibility splays shall be provided in full prior to the first use of the accesses and shall be maintained thereafter with no obstructions exceeding 0.6 metres in height within the splays.
 - 7) No dwelling shall be occupied until space has been laid out within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.
 - 8) No dwelling shall be occupied until details for the provision of cycle storage in accordance with East Sussex County Council's adopted standards have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented before the first occupation of the relevant part of the development to which they relate and retained as such thereafter.
 - 9) No dwelling shall be occupied until a Travel Plan Statement has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority. Once approved, the Travel Plan shall thereafter be implemented as approved.
 - 10) The non-motorised access points onto Millwood Lane and onto Bridleway 79/1 shall be in the positions as shown on the submitted phasing plan 30371A_81.1A to be laid out and constructed in accordance with technical details to be secured within a s278 agreement with the Highway Authority. No part of the development shall be occupied until the accesses have been completed in accordance with the technically approved drawings.
 - 11) The vehicular access and access road shall be in the position shown on the submitted plan T-01 P4/ 16660-H-02 P10 (Vehicle swept path analysis proposed access design) to be laid out and constructed in accordance with details to be secured within a s278 agreement with the Highway Authority. No part of the development shall be occupied until the access has been completed in accordance with the technically approved drawings.
 - 12) All parking spaces must measure a minimum of 2.5m by 5m, with an additional 0.5m width where spaces abut walls. All garages shall have minimum internal dimensions of 3m by 6m to ensure their functionality for vehicle parking.
 - 13) No development shall take place until a scheme to address the management and/or safe disposal of asbestos and asbestos containing materials has been submitted to and approved in writing by the local planning authority. The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human

- health and the preferred asbestos disposal route, unless the local planning authority dispenses with any such requirement specifically in writing.
- 14) No development shall commence until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency - Land Contamination Risk Management (LCRM) (or equivalent British Standard and Model Procedures if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include:
- i) a survey of the extent, scale and nature of contamination;
 - ii) the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems; and
 - archaeological sites and ancient monuments.
- 15) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
- 16) The approved remediation scheme shall be carried out in full, and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority before the development is occupied, demonstrating that the site is suitable for its intended use.
- 17) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 18) No development shall take place, including any works of demolition, until a Code of Construction Practice (COOP) has been submitted to, and approved in writing by the local planning authority. The COOP shall provide for:

- i) the anticipated number, frequency and types of vehicles used during construction;
- ii) the method of access and egress including turning arrangements;
- iii) the parking of vehicles of site operatives and visitors;
- iv) loading and unloading of plant, materials and waste;
- v) storage of plant, materials and waste;
- vi) the erection and maintenance of security hoarding;
- vii) wheel washing facilities and other measures to mitigate construction impacts on the public highway, including any temporary Traffic Regulation Orders (TROs);
- viii) a pre-condition highway survey, to assess the condition of the existing highway and establish a mechanism for identifying and repairing any damage caused by construction vehicles;
- ix) temporary diversion or protection of public rights of way where applicable;
- x) measures to control the emission of noise, dust and other environmental impacts during construction;
- xi) measures to manage flood risk, both on and off-site, during the construction phase; and
- xii) details of public engagement strategies, both prior to and during construction, to inform residents and stakeholders of potential disruptions.

The approved COOP shall be adhered to throughout the construction period for the development.

- 19) No development shall take place until a scheme, including design calculations and construction details, for the disposal of surface water, which shall include the provision and implementation of a surface water regulation system and storage facility, has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- i) detailed plans, layouts and sections of the proposed surface water drainage system, incorporating pollution and silt control devices, as well as full construction details of any non-standard drainage features;
 - ii) detailed hydraulic calculations that account for the connectivity of all surface water drainage features and demonstrate that runoff from the development will be restricted to 13.5 l/s for all rainfall events, including for 1 in 100-year storm events plus a 45% allowance for climate change and a further 10% for urban creep;
 - iii) the details of the outfall of the proposed attenuation basins and how they connect into the water course;
 - iv) details of the condition of the ordinary water course which will take surface water runoff from the development. Any required improvements to the condition of the watercourse shall be carried out prior to the construction of the outfall;
 - v) information on how surface water flows exceeding the capacity of surface water drainage features will be managed safely;
 - vi) the detailed design of the attenuation basins, informed by findings of groundwater monitoring between autumn and spring. The design shall

leave at least one metre unsaturated zone between the base of the ponds and the highest recorded groundwater level. Alternatively, or if this cannot be achieved, detailed measures to be taken to manage impacts of high groundwater on the drainage system shall be provided;

- vii) a management and maintenance plan for the entire surface water drainage system, detailing the responsible parties for all elements of the system, including the crossroad connection and outfall into the highway drainage system. This plan shall provide evidence of how these responsibilities and maintenance arrangements will be secured for the lifetime of the development; and
- viii) evidence of consent from the Highway Authority confirming agreement to allow discharge into the highway drain and culverted watercourse under the A272, ensuring that all necessary legal agreements are in place prior to commencement of works.

The drainage system shall be implemented in full accordance with the approved details, and no dwelling shall be occupied until evidence (including as-built drawings and photographs) demonstrating that the system has been constructed in accordance with the approved plans, has been submitted to and approved in writing by the local planning authority. The surface water drainage system shall thereafter be maintained and managed in accordance with the approved maintenance plan for the lifetime of the development.

- 20) Before preparation of ground levels for the construction of the development hereby approved, a scheme for the provision and implementation of foul drainage works shall be submitted to and approved in writing by the local planning authority. Such works shall be implemented before the associated buildings to which they relate are occupied. Any works required to upgrade the infrastructure sufficiently to provide capacity for the new development shall be undertaken prior to acceptance of the development's foul sewerage.
- 21) No development shall take place until an Emissions Mitigation Assessment and an Air Quality Assessment have been undertaken in accordance with the guidance set out in the Air Quality and Emissions Mitigation Guidance for Sussex (2021). A mitigation strategy, detailing the necessary measures to minimise air quality impacts, shall be submitted to and approved in writing by the local planning authority. The strategy shall include all required elements as specified in the guidance document, and the approved mitigation measures shall be implemented in full before the first occupation of the development.
- 22) The recommendations of the report 'Planning Assessment – Noise' (RSK Acoustics Report 206/0810/R1, dated 31 March 2022) with regards to glazing, ventilation and acoustic fencing, shall be implemented in full prior to occupation of the affected dwelling.
- 23) No development shall take place until a full Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the local planning authority. The AMS shall include a comprehensive schedule of trees and hedges, including their numbering, detailed specifications and confirmation of Root Protection Areas. It shall also set out the methodology for tree protection measures, including the routing of service trenches, overhead services and carriageway positions as well as tree protection fencing. The fencing shall be designed and installed in full compliance with BS5837:2012

– Trees in Relation to Design, Demolition and Construction –

Recommendations. The approved fencing shall be erected in the agreed positions before any development begins and shall be retained in place for the duration of the construction works. No storage of materials, machinery or site operations shall take place within the fenced-off areas. Where necessary, details of no-dig construction techniques, the use of geotextiles and appropriate ground treatment methods for compacted soil areas shall be provided. All works shall be carried out in full accordance with the approved AMS and retained for the duration of the construction phase.

- 24) Before preparation of any groundworks and foundations on site, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority, which shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained, together with measures for their protection in the course of the development. All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings or the completion of the development, whichever is the sooner. Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. All hard landscaping comprised in the approved details of landscaping shall be carried out before the completion or first occupation of the development, whichever is the sooner.
- 25) Before the preparation of ground levels for the development hereby approved, a combined Landscape and Ecological Management Plan (LEMP) incorporating Habitat Management and Monitoring shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall cover all retained and newly created landscape and ecological features within the site and shall include:
 - i) aims and objectives for landscape and ecological management, including biodiversity enhancement and net gain measures;
 - ii) details of habitat creation, enhancement and management, including retained and newly planted trees, hedgerows, grassland, SuDS features and any other landscape or ecological elements;
 - iii) a programme for the implementation of landscape and ecological works, including timescales and phasing where applicable;
 - iv) management prescriptions for all ecological and landscape features, detailing the methods and frequency of maintenance interventions;
 - v) biodiversity monitoring proposals, including the methodology, frequency of surveys, performance indicators and provisions for adaptive management if habitat objectives are not met;
 - vi) measures for the protection and enhancement of protected species including bats, birds, reptiles, great crested newts and badgers and priority habitats, including any mitigation strategies required by ecological assessments;
 - vii) details of responsibilities for the implementation, long-term management and funding mechanisms, including the body or organisation responsible; and

- viii) provisions for monitoring and reviewing the LEMP, ensuring long-term compliance with ecological and landscape objectives.

The approved LEMP shall be implemented in full and retained for the lifetime of the development.

- 26) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall have been first submitted to and approved in writing by the local planning authority. The lighting scheme shall show predicted light levels at neighbouring residential properties. The artificial lighting to the development shall conform with the requirements of Environmental Zone E2 contained within Table 2 of the Institute of Lighting Professionals Guidance Note GN01/21 and comply with the Bat Conservation Trust and Institute of Lighting Professionals Guidance Note 08/18 Bats and Artificial Lighting in the UK.
- 27) Before the preparation of ground levels for the development hereby approved, full details of the play areas for the development (including grass seeding/turfing, planting, fencing, safety surfacing, play equipment, seats, litter bins and lighting) shall be submitted to and approved in writing by the local planning authority. The scheme shall be fully implemented as approved in accordance with a phasing plan and implementation programme which will have been submitted to and approved in writing by the local planning authority before occupation of the first dwelling. The approved play areas shall be so retained solely for the purposes of children's recreation.
- 28) Prior to the construction of the superstructure of any dwelling hereby permitted, a detailed scheme outlining water and energy efficiency measures, as well as renewable energy and sustainable construction methods to be incorporated within the development, shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and retained as such thereafter for the lifetime of the development.
- 29) Site preparation, demolition, construction and deliveries shall take place only between 0800 hours and 1800 hours on Mondays to Fridays, 0800 hours and 1300 hours on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

APPEARANCES

FOR THE APPELLANT:

Hashi Mohamed	Counsel
Paul Lulham	Highways Director, DHA Transport
Paul Martin	Director, Road Safety Answers Ltd
Mark Bewsey	Planning Director, DHA Planning

FOR THE LOCAL PLANNING AUTHORITY:

Stacey Robins	Head of Planning and Environmental Services
Kirstin Roberts	Senior Planning Officer
Kal Kamboh	Strategic Sites Transport Advisor
Victoria Bartholomew	Principal Road Safety Officer

INTERESTED PARTIES:

Michael Scanlon	Local resident
David Bysh	Local resident
Nick Johnston	Local resident
Matt Leary	Local resident
Deborah Whittaker	Local resident
Gary Rowlinson	Local resident
Darren Bradley	Local resident
Chris Durham	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

Appeal decision ref 6003006